IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 43 of 1998

in

SPECIAL CIVIL APPLICATIONNo 13520 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

JAMNAGAR JILLA KHANGI PRATHMIKSHIKSHAK SANGH

Appearance:

MR AJ DESAI, AGP, for Appellants No. 1-3

RULE SERVED for Respondent No. 1

CORAM : MR.JUSTICE J.N.BHATT
and
MR.JUSTICE D.H.WAGHELA

Date of decision: 30/10/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

It appears from the record and submissions of the learned AGP, Mr.Desai, that Special Civil Application No.13520 of 1994 was, mistakenly, treated as a group matter decided by the learned single Judge on 9.5.97 which was pertaining to medical allowance, whereas, in the present case, the main relief is about the stoppage of payment of amount of Rs.100 per month as interim relief to the teachers. Therefore, Special Civil Application No.13520/94 should not have been enumerated and added in the group matters as it is not connected or allied matter. The learned AGP drew our attention, in course of the hearing, as other side has remained absent though duly served.

In the circumstances, the only course open for us is to set aside the impugned order insofar as this petition is concerned as it does not pertain to the common subject upon which the group matters came to be decided and remit the matter to the learned single Judge for fresh hearing and adjudication in accordance with law.

Consequently, the impugned judgment, in so far as Special Civil Application No.13520 of 1994 is concerned, shall stand quashed and set aside. As a necessary corollary, the matter is remitted to the learned single Judge, taking up such matters for adjudication in accordance with law.

The appeal is accordingly allowed to the aforesaid extent with no order as to costs.

(J.N.Bhatt, J.)

(D.H.Waghela, J.)

(vjn)